

REMARKS

Amendments

Independent claims 1 and 15 are amended to specify that the compound of Formula I is said (-)- β -L-Dioxolane-Cytidine. Claims 31, 32, 39-43, 63, and 64 are amended to be consistent with the language of amended claim 15, and claims 7, 9, 10, 14, 22, 44, 45, and 52-62 are cancelled.

In the Board Decision issued January 20, 2010¹, the Board argued that appellants' data was not commensurate in scope with the subject matter of claim 1. In particular, the Board said claim 1 encompassed a compound of formula I having any stereochemistry, whereas the data were drawn to the enantiomer (-)-L-ODC, i.e., (-)- β -L-Dioxolane-Cytidine. Since the claims are now drawn to (-)- β -L-Dioxolane-Cytidine, it is respectfully submitted that the data is commensurate with the claimed subject matter. Allowance of the instant application is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Brion P. Heaney/
Brion P. Heaney (Reg. No. 32,542)
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.

Arlington Courthouse Plaza 1
2200 Clarendon Blvd., Suite 1400
Arlington, Virginia 22201
Telephone: (703) 812-5308
Facsimile: (703) 243-6410

Filed: March 22, 2010